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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,731	12/05/2003	Alec C. Wong	PCCR121561	1322
26389	7590	03/29/2005		
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347			EXAMINER CRANSON JR, JAMES W	
			ART UNIT 2875	PAPER NUMBER

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

**Office Action Summary**

Application No.

10/729,731

Applicant(s)

WONG ET AL.

Examiner

James W. Cranson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21, 28, 31-36, 38 is/are rejected.
- 7) ☒ Claim(s) 22-27, 29, 30, 37 and 40 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/08/2004</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7,9-14, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Des. 308,422 to Sasamura.

A headlight housing adapted to be mounted on a vehicle, the vehicle to ride on the ground and front section to emit light from a headlight is disclosed by Sasamura.

Regarding claims 1, 10 and 11;

Sasamura. discloses in figures 1 and 3 a headlight housing on a vehicle with front section (shown in figures 1 and 3) emitting light from a headlight, a top surface of width extending aft of top edge of front section, top surface parallel to ground and bottom surface of width extending aft to taper height of housing in aft direction (shown in figures 1 and 3).

Regarding claim 2, according to claim 1;

Sasamura. discloses in figures 1 and 3 that the front section has a height which tapers along a width of the front section.

Regarding claim 3, according to claim 1;

Sasamura. discloses in figures 1 and 3 that the top and bottom surfaces join to a back surface, the back surface oriented substantially perpendicular to the ground surface.

Regarding claims 4, according to claim 1, and claim 12, according to claim 10;

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Sasamura. discloses in figures 1 and 3 that the headlight housing has a cross-section oriented in a fore and aft direction, wherein the cross-section substantially forms a quadrilateral.

Regarding claim 5, according to claim 1;

Sasamura. discloses in figures 1 and 3 that the headlight housing has a cross-section oriented in a fore and aft direction, wherein the cross-section substantially forms a quadrilateral shape having three sides oriented substantially perpendicular to one another and a remaining side oriented at an obtuse angle to one of the three sides.

Regarding claims 6, according to claim 1, and claim 13, according to claim 12;

Sasamura. discloses in figures 1 and 3 that the headlight housing has a cross-section in a fore and aft direction, wherein the area of the cross-section of the headlight housing decreases in area as the cross section is taken at spaced intervals outward from the vehicle across a majority of the width of the headlight housing.

Regarding claims 7, according to claim 1, and claim 14, according to claim 10;

Sasamura. discloses in figures 1 and 3 that the bottom surface is bowed inward.

Regarding claims 9, according to claim 1, and claim 16, according to claim 10;

Sasamura. discloses in figures 1 and 3 that the headlight housing is adapted to remain fixed in the illuminating position once mounted upon a vehicle.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Des. 308,422 to Sasamura.

Sasamura in a headlight for a truck teaches using the same aerodynamic headlight housing shape as in the instant application (figures 1 and 3) except for defining what the angle of inclination is between bottom surface and ground surface. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Sasamura with the inclination angle of 10 degrees because it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable range involves only routine skill in the art *In re Aller*, 105 USPQ 233 (CCPA 1955).

Claims 18-21 rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 4,797,792 to Oen. The claimed invention is disclosed by Oen in figures 7 and 8 except for the ratio between a gap disposed between the outer surface of the headlight housing and the outer surface of the fender relative to an opening disposed between the outer surface of the headlight housing and the bottom leading edge. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Oen with the claimed ratios because it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable range involves only routine skill in the art *In re Aller*, 105 USPQ 233 (CCPA 1955).

Claims 28, 31 – 36, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 4,797,792 to Oen. The claimed aerodynamic headlight housing invention is disclosed

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by Oen in figures 7 and 8 and the method of positioning the housing is disclosed in claim 5 except for the ratio between a gap disposed between the outer surface of the headlight housing and the outer surface of the fender relative to an opening disposed between the outer surface of the headlight housing and the bottom leading edge. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Oen with the claimed ratios because it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable range involves only routine skill in the art *In re Aller*, 105 USPQ 233 (CCPA 1955).

*Allowable Subject Matter*

Claims 22-27,29,30, 37 and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 22 and 23 according to claim 18, add that top point of fender and top point of housing are at substantially equal elevations above ground and within one or two inches of one another.

Claim 24, according to claim 18, adds that inclination angle is an average of 10 degrees or more relative to the ground surface.

Claim 25, according to claim 18, adds that outer surface of housing includes a bottom surface that is bowed inward.

Claim 26, according to claim 18, adds that housing tapers in height from front section of housing to a back surface of housing.

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Claim 27, according to claim 18, ads that fore and aft oriented cross-section is substantially quadrilateral in shape with edges two edges parallel and other edges inclined.

Claims 29 and 30 according to claim 28, add that top point of fender and top point of housing are at substantially equal elevations above ground and within one or two inches of one another.

Claim 37, according to claim 36, ads that inclination angle is an average of 10 degrees or more relative to the ground surface.

Claim 40, according to claim 28, ads that fore and aft oriented cross-section is substantially quadrilateral in shape with edges two edges parallel and other edges inclined.

The limitations in the dependent claims combined with the limitations of the independent claims are not found or taught in the art of record.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James W. Cranson whose telephone number is 571-272-2368.


The examiner can normally be reached on Mon-Fri 8:30A.M.- 5:00P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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Stephen Husar  
Primary Examiner